

REMARKS

The following remarks are submitted to address the above amendments and issues raised in the Official Action mailed June 2, 2006.

Upon entry of the foregoing amendments, claims 1-30 are now pending in this application. Claims 16-21 stand withdrawn from consideration as being drawn to a non-elected species. Claims 1, 2, 3, 6, 7, 11, 12-15, 27, 29, and 30 stand rejected under 35 USC § 103(a) as being unpatentable over Steiner (U.S. Patent No. 2,769,276) in view of Henick (U.S. Design Patent No. D444,633). Claims 2 and 4 stand rejected under 35 USC § 103(a) as being unpatentable over Henick in view of Steiner and further in view of Nursery Birds by Kenner. Claims 8 and 28 stand rejected under 35 USC § 103(a) as being unpatentable over Henick in view of Steiner and further in view of Posey (U.S. Patent No. 5,329,874). Claims 5, 9, 10, and 22-26 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No new matter has been added. Support for requested amendments can be found in the original claims and throughout the present specification and drawings. Applicant respectfully requests consideration of the application in light of the above amendments and the following remarks.

Drawings

Applicant respectfully requests notification that the formal drawings submitted on March 20, 2006, are accepted.

Claims 1, 2, 3, 6, 7, 11, 12-15, 27, 29, and 30—35 USC § 103(a)

The rejections of claims 1, 2, 3, 6, 7, 11, 12-15, 27, 29, and 30 under 35 USC § 103(a) as being unpatentable over Steiner in view of Henick are respectfully traversed.

Claim 1 of the present invention claims “[a] self-centering mobile, comprising: a frame; a plurality of freely rotatable connectors, *each connector comprising a spinner assembly having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body*; a horizontally disposed arm having two ends and a balance point between the two ends, the arm suspended from the frame at the balance point with one of the freely rotatable connectors; and *a display member suspended from each end of the arm with another one of the freely rotatable connectors* and having a weight so that the arm is balanced when suspended from the frame at the arm balance point.” (Claim 1, emphasis added.)

Claim 27 of the present invention claims “[a] method of using a self-centering mobile, comprising: providing a frame, a plurality of freely rotatable connectors, *each connector comprising a spinner assembly having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body*, and a horizontally disposed arm comprising a round rod of spring steel and a substantially closed loop at each of two ends and at a balance point between the two ends; suspending the arm from the frame at the balance point with one of the freely rotatable connectors; and *suspending from each end of the arm with another one of the freely rotatable connectors a display member* having a weight so that the arm is balanced when suspended from the frame at the arm balance point. (Claim 27, emphasis added.)

The Official Action states that Henick teaches a mobile adapted to display photographs comprising a frame comprising a base and three arc-shaped support members, and a hanging assembly mounted to each support member; that each hanging assembly includes a horizontally disposed arm with a middle balancing point and loops on opposite ends thereof for the

suspension and balancing of display items such as a picture frame; that Henick does not teach the hanging assembly including a freely rotatably connector; that Steiner teaches a mobile adapted to suspend three-dimensional objects 21 comprising an arc-shaped support arm 10 and hanging assembly including an upper loop 14, a swivel member/freely rotating connector 13, and horizontal arm 18 having loops 19 at opposite ends thereof, each loop further supporting the three dimensional bird 21; and that it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Henick with the hanging assembly with the swivel member taught by Steiner to increase the aesthetic appearance of the device by increasing the rotation ability of each display item. The Official Action states that, with respect to claims 11 and 12, both Steiner and Henick teach a plurality of display items suspended from at least one end of the arm. The Official Action states that, with respect to claim 3, both Steiner and Henick teach the arm made of a stiff rod or wire. The Official Action states that, with respect to claim 7, Steiner teaches a swivel having an upper eye hook 14 and a lower eye hook 15 mounted to the central body 13 of the swivel. (Official Action, paras. 3-8.)

Steiner discloses an infant's plaything comprising a standard formed of stiff wire and including a vertical portion and a horizontal portion adapted to be suspended above an infant. An attachment hook is formed at the end of the horizontal portion. A spider having a plurality of horizontal arms is freely rotatably suspended from the outer end of the horizontal portion of the standard. The suspension means comprises a swivel member having an upper loop portion for slipping onto the attachment hook of the horizontal portion of the standard, and a lower loop portion which removably supports a hook in the center of the spider. The spider includes a hook at each end of the spider arms. A thread is secured to and hangs freely from the hook at the outer end of each arm of the spider. A plurality of light-weight, artificial birds are fastened onto each of the threads hanging from the outer ends of the spider arms. Each thread extends downwardly through the center of gravity of the birds upon it and the birds are distributed on the threads such that the spider is in horizontal balance on the suspension means. (Steiner, col. 1, line 42 – col. 2, line 2; col. 2, line 57 – col. 3, line 7; Fig. 4.)

Henick discloses a design for a mobile adapted to display photographs comprising three interchangeable portions – one or more mobile portions, an arc armature portion, and a supporting structure portion. (Henick, Description; Figs. 1-2.)

Nowhere does Steiner or Henick disclose a self-centering mobile comprising *a plurality of freely rotatable connectors*, each connector comprising *a spinner assembly* having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body, and *a display member suspended* from each end of a horizontally disposed arm *with another one of the freely rotatable connectors*, as in claim 1. Nowhere does Steiner or Henick disclose a method of using a self-centering mobile comprising providing *a plurality of freely rotatable connectors*, each connector comprising *a spinner assembly* having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body, and *suspending a display member* from each end of a horizontally disposed arm *with another one of the freely rotatable connectors*, as in claim 27.

In contrast, Steiner discloses artificial birds secured to and hanging from the hook at the end of each arm of a “spider” frame by means of *a thread*, and not by one of a plurality of freely rotatable connectors comprising a spinner assembly, as in the present invention. Henick discloses displaying photographs from a supporting structure with a chain or other series of interconnected loops. Henick does not disclose a display member suspended from an arm with one of a plurality of freely rotatable connectors comprising a spinner assembly (as shown in Fig. 3 of the Present Specification). Accordingly, Steiner and Henick each fail to disclose each and every element of the present invention as claimed in claims 1 and 27. Therefore, Applicant respectfully submits that Steiner and Henick each fail as a reference with respect to claims 1 and 27. Moreover, both Steiner and Henick each fail to overcome the deficiency of the other as a reference.

Therefore, Applicant respectfully submits that the combination of these two references does not teach or suggest each and every element of the present invention, nor does either

reference provide any suggestion or motivation to combine these references. In particular, Steiner discloses a single swivel member for attaching the spider to the standard. By disclosing only a single swivel member and use of a thread to attach the display birds to the spider frame, Steiner teaches away from the use of a swivel member to attach the display birds to the spider frame. As discussed, Henick fails to show any freely rotatable connectors comprising a spinner assembly. In addition, neither Steiner nor Henick provide any expectation that a combination of these two references would successfully provide a display member suspended from an arm with one of a plurality of freely rotatable connectors comprising a spinner assembly. As a result, claims 1 and 27 of the present invention are not obvious over Steiner in view of Henick.

Claims 2, 3, 6, 7, 11, and 12-15 depend from claim 1. Claims 29 and 30 depend from claim 27. Therefore, Applicant respectfully submits that claims 2, 3, 6, 7, 11, 12-15, 29, and 30 are likewise not obvious over Steiner in view of Henick.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 1, 2, 3, 6, 7, 11, 12-15, 27, 29, and 30 under 35 USC § 103(a).

Claims 2 and 4—35 USC § 103(a)

The rejections of claims 2 and 4 under 35 USC § 103(a) as being unpatentable over Henick in view of Steiner as applied to claim 1, and further in view of Nursery Birds by Kenner, are respectfully traversed.

Claim 1 of the present invention claims “[a] self-centering mobile, comprising: a frame; a plurality of freely rotatable connectors, *each connector comprising a spinner assembly having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body*; a horizontally disposed arm having two ends and a balance point between the two ends, the arm suspended from the frame at the balance point with one of the freely rotatable connectors; and *a display member suspended from each end of the arm with*

another one of the freely rotatable connectors and having a weight so that the arm is balanced when suspended from the frame at the arm balance point.” (Claim 1, emphasis added.)

The Official Action states that Nursery Birds teaches a mobile adapted to suspend three dimensional birds comprising an arc-shaped support arm, a hanging assembly that allows the butterflies to swing and circle freely, and a horizontal arm having closed loops at opposite ends thereof for supporting the three dimensional bird 21 and a closed center loop that corresponds to the balancing point; and that it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Henick and Steiner with closed loops to provide a means to more securely retain the arms. (Official Action, paras. 9-10.)

Nursery Birds by Kenner discloses mobile comprising a steel hanger mountable to a baby’s crib. The end of the hanger includes a hook. A display mechanism has three arms and a hook extending upwardly from the center of the display mechanism. The display mechanism is attached to the hooks on the hanger and on the display mechanism with a free-turning swivel support. At the end of each arm of the display mechanism arms is a hook. A plurality of plastic birds is attached with a nylon cord to the hook at the end of each display arm. A breeze can cause the birds to move on their free-turning swivel support. (Nursery Birds by Kenner.)

As discussed herein, Steiner and Henick each fail to disclose a self-centering mobile comprising *a plurality of freely rotatable connectors*, each connector comprising *a spinner assembly* having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body, and *a display member suspended* from each end of a horizontally disposed arm *with another one of the freely rotatable connectors*, as in claim 1. Nursery Birds also fails to a self-centering mobile comprising *a plurality of freely rotatable connectors*, each connector comprising *a spinner assembly* having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body, and *a display member suspended* from each end of a horizontally disposed arm *with another one of the freely rotatable connectors*, as in claim 1. In contrast,

Nursery Birds discloses a plurality of plastic birds attached to the hook at the end of each display arm by means of *a nylon cord*, and not by one of a plurality of freely rotatable connectors comprising a spinner assembly, as in the present invention. Accordingly, Steiner, Henick, and Nursery Birds each fail to disclose each and every element of the present invention, as claimed in claim 1. Therefore, Applicant respectfully submits that Steiner, Henick, and Nursery Birds each fail as a reference with respect to claim 1. Moreover, Steiner, Henick, and Nursery Birds each fail to overcome the deficiency of the other as a reference.

In addition, Steiner teaches away from using a swivel member to suspend a display member from a display arm. While Nursery Birds states that the birds can move on their free-turning swivel support, it does not disclose movement of the birds on the nylon cord. Thus, there is no suggestion or motivation in these references to combine them, or any expectation that doing so would successfully provide a display member suspended from an arm with one of a plurality of freely rotatable connectors comprising a spinner assembly. As a result, Applicant respectfully submits that claim 1 of the present invention is not obvious over Henick in view of Steiner as applied to claim 1, and further in view of Nursery Birds by Kenner.

Claims 2 and 4 depend from claim 1. Applicant respectfully submits that, because claim 1 is not obvious over Henick in view of Steiner as applied to claim 1, and further in view of Nursery Birds by Kenner, claims 2 and 4 are likewise not obvious over the combination of these references.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 2 and 4 under 35 USC § 103(a).

Claims 8 and 28—35 USC § 103(a)

The rejections of claims 8 and 28 under 35 USC § 103(a) as being unpatentable over Henick in view of Steiner as applied to claim 1, and further in view of Posey, are respectfully traversed.

Claim 1 of the present invention claims “[a] self-centering mobile, comprising: a frame; a plurality of freely rotatable connectors, *each connector comprising a spinner assembly having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body*; a horizontally disposed arm having two ends and a balance point between the two ends, the arm suspended from the frame at the balance point with one of the freely rotatable connectors; and *a display member suspended from each end of the arm with another one of the freely rotatable connectors* and having a weight so that the arm is balanced when suspended from the frame at the arm balance point.” (Claim 1, emphasis added.)

Claim 27 of the present invention claims “[a] method of using a self-centering mobile, comprising: providing a frame, a plurality of freely rotatable connectors, *each connector comprising a spinner assembly having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body*, and a horizontally disposed arm comprising a round rod of spring steel and a substantially closed loop at each of two ends and at a balance point between the two ends; suspending the arm from the frame at the balance point with one of the freely rotatable connectors; and *suspending from each end of the arm with another one of the freely rotatable connectors a display member* having a weight so that the arm is balanced when suspended from the frame at the arm balance point. (Claim 27, emphasis added.)

The Official Action states that Posey teaches a hanging sign having an S-shaped hook 20 for suspending the device from a support; and that it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by

Henick and Steiner with S-shaped hooks to provide a means to facilitate insertion and removal of the display items. (Official Action, paras. 11-12.)

Posey discloses a portable tennis score keeper to which an “S” hook can be attached for attaching the score keeper to a net or fence. (Posey, Abstract; col. 3, lines 5-10; Fig. 1.)

As discussed herein, Steiner and Henick each fail to disclose a self-centering mobile, or a method of using a self-centering mobile, comprising *a plurality of freely rotatable connectors*, each connector comprising *a spinner assembly* having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body, and *a display member suspended* from each end of a horizontally disposed arm *with another one of the freely rotatable connectors*, as in claims 1 and 27. Posey also fails to a self-centering mobile, or a method of using a self-centering mobile, comprising *a plurality of freely rotatable connectors*, each connector comprising *a spinner assembly* having an eye hook extending through an aperture in each of a top and a bottom of a central body and rotatably secured in the central body, and *a display member suspended* from each end of a horizontally disposed arm *with another one of the freely rotatable connectors*, as in claims 1 and 27. In contrast, Posey discloses a portable tennis score keeper and an “S” hook. Accordingly, Steiner, Henick, and Posey each fail to disclose each and every element of the present invention, as claimed in claims 1 and 27. Therefore, Applicant respectfully submits that Steiner, Henick, and Posey each fail as a reference with respect to claims 1 and 27. Moreover, Steiner, Henick, and Posey each fail to overcome the deficiency of the other as a reference.

Furthermore, Steiner teaches away from using a swivel member to suspend a display member from a display arm. Posey discloses a portable tennis score keeper and an “S” hook. Thus, there is no suggestion or motivation in these references to combine them, or any expectation that doing so would successfully provide a display member suspended from an arm with one of a plurality of freely rotatable connectors comprising a spinner assembly. As a result,

Applicant respectfully submits that claims 1 and 27 of the present invention are not obvious over Henick in view of Steiner as applied to claim 1, and further in view of Posey.

Claim 8 depends from claim 1; and claim 28 depends from claim 27. Applicant respectfully submits that, because claims 1 and 27 are not obvious over Henick in view of Steiner as applied to claim 1, and further in view of Posey, claims 8 and 28 are likewise not obvious over the combination of these references.

In addition, claim 8 claims “. . . wherein the means for attaching the spinner assembly to the frame and to the arm comprises a spring clip formed from a round rod of spring steel, the rod formed into a substantially closed “S” shape, *each end of the rod bent outwardly from the spring clip to form a receiving channel* for receiving the frame and the arm.” (Claim 8, emphasis added.) Claim 28 claims “. . . a spring clip formed from a round rod of spring steel into a substantially closed “S” shape, *each end of the rod bent outwardly from the spring clip to form a receiving channel* for receiving the frame and the arm” (Claim 28, emphasis added.) Nowhere does Posey (or Steiner or Henick) disclose a spring clip formed from a round rod of spring steel into a substantially closed “S” shape, *each end of the rod bent outwardly from the spring clip to form a receiving channel* for receiving the frame and the arm, as in claims 8 and 28. Therefore, Applicant respectfully submits that these references fail to disclose each and every element of claims 8 and 28, and provide no suggestion or motivation in the references to combine them to provide a spring clip formed from a round rod of spring steel into a substantially closed “S” shape, each end of the rod bent outwardly from the spring clip to form a receiving channel. Accordingly, Applicant further respectfully submits that claims 8 and 28 are not obvious over Henick in view of Steiner as applied to claim 1, and further in view of Posey.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 8 and 28 under 35 USC § 103(a).

Claims 5, 9, 10, and 22-26—Allowable Subject Matter

The objections to claims 5, 9, 10, and 22-26 as being dependent upon a rejected base claim are respectfully traversed.

The Official Action states that claims 5, 9, 10, and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Official Action, para. 13.) Claims 5, 9, and 10 have been rewritten herein in independent form including all of the limitations of the base claim and any intervening claims. Claim 22 is an independent claim and thus cannot be based on a rejected base claim. Claims 23-26 depend from claim 22. Therefore, if claims 22-26 are allowable if written in independent form, Applicant respectfully submits that claims 22-26 should be allowed as currently written. Accordingly, claims 5, 9, 10, and 22-26 should be allowable.

For all of these reasons, the Office is respectfully requested to withdraw the objections to claims 5, 9, 10, and 22-26 as being dependent upon a rejected base claim.

CONCLUSION

Applicant submits that a full and complete response has been made herein to the Official Action and, as such, all pending claims in this application are now in condition for allowance. Therefore, Applicant respectfully requests early consideration of the present application, entry of all amendments herein requested, withdrawal of all rejections and objections, and allowance of all pending claims.

The Office is respectfully invited to contact J. Michael Boggs at (336) 747-7536, to discuss any matter relating to this application.

Respectfully submitted,

9/1/06
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